

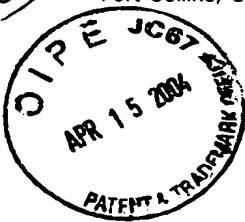
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

04-19-04

AF / 2835
PATENT APPLICATION

ATTORNEY DOCKET NO. 10014774-1

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): ARLEN L. ROESNER et al.

Confirmation No.:

Application No.: 10/017,543

Examiner: CHERVINSKY, BORIS

Filing Date: 12/13/2001

Group Art Unit:

Title: THERMAL INTERFACE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on March 26, 2004. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Signature: Marianne Middleton

Respectfully submitted,

ARLEN L. ROESNER et al.

By

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Reg. No. 22,585

Date: 4/15/04

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PATENT
Attorney Docket No: 10014774-1

PATENT AND TRADEMARK OFFICE

In re application of: ARLEN L. ROESNER et al.

Art Unit: 2835

Serial No: 10/017,543

Examiner: Boris Chervinsky

Filed: December 13, 2001

For: THERMAL INTERFACE

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HP 10014774-1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Inventors: Arlen L. Roesner, et al.

Serial No.: 10/017,543 Art Unit: 2835

Filed: December 13, 2001 Examiner: Chervinsky, Boris L.

Title: THERMAL INTERFACE

REPLY BRIEF
(37 CFR 1.193(b)(1))

This brief is in reply to the Examiner's Answer dated March 26, 2004.

The Examiner's Answer contains statements contrary to the express findings of the Board in its June 30, 2003, "Decision on Appeal and Opinion" (Paper No. 14).

First, the Examiner's Answer, at page 5, states:

". . . having the thermal grease on one side of the carrier and phase change material on another side is still known solution as disclosed by Green, although Green suggests an improvement to that known and previously used structure".

This statement is directly contrary to the Board's finding that "Green does not disclose the elements of a thermal interface arranged as specified in appealed independent claims 1, 10 and 22." (Paper No. 14, p. 3.)

Second, the Answer, pages 5-6, asserts:

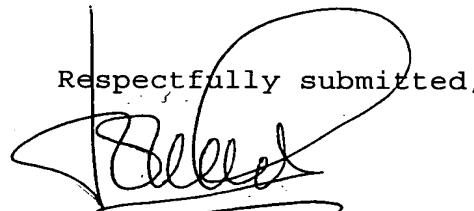
"The argument regarding claims 1, 10 and 22 stating that the layer of pliable thermal compound is not a phase change material is not convincing because claiming a phase change material and a pliable thermal compound is, in fact, addressing two different, not mutually exclusive properties of a material. Since the terms in the claims must be given broadest reasonable interpretation the pliable thermal compound does not exclude phase change material, so it can be pliable thermal compound and a phase change material or vice versa at the same time. In view of the above the Green reference is solely sufficient to reject claims 1 and 22, and claim 10 in view of Tzeng since the law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference 'teach' what the subject patent teaches. Assuming that a reference is properly 'prior art', it is only necessary that the claims under consideration 'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it".

Appellants find these statements unintelligible, but to the extent any sense can be made of them, they again fly in the face of the express findings of the Board in the first appeal, namely, that Green is not an anticipatory reference and that a "phase-change material" is not the same as a "pliable, thermal compound". (Paper No. 14, page 2.)

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Once again, Appellants respectfully submit that the rejections of claims 1-30 should be reversed.

Respectfully submitted,



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Dated: April 15, 2004

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